



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2401112
Applicant Name: Brittani Ard for Mia-Lindsey LLC
Address of Proposal: 12205 9th Avenue Northwest

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into two parcels of land. Proposed parcel sizes are: A) 6,922 sq. ft. and B) 6,305 sq. ft. Existing single family residence to remain.

The following approval is required:

Short Subdivision - to subdivide one existing parcel into two parcels.
(Chapter 23.24, Seattle Municipal Code).

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or involving
another agency with jurisdiction

BACKGROUND DATA

Site & Area Description

This 13,227 square foot (sq. ft.) project site is located in a Single Family residential zone with a minimum lot size of 7,200 square feet (SF 7200), located in the northwest area of the City of Seattle. The parcel is a corner lot located on the northwest side at the intersection of Northwest 122nd Street and 9th Avenue Northwest. An existing house with a basement garage resides on the site. The subject lot slopes gently downward from the east street-facing property line and becomes level near the west property line where a concrete patio, driveway and landscaped yard reside. Both Northwest 122nd Street and 9th Avenue Northwest are paved roadways with no sidewalks, curbs nor gutters on both sides of the street. An existing culvert located in the right-of-way begins near the southeast property corner on 9th Avenue Northwest and flows downward into an existing ditch located on Northwest 122nd Street. The subject site is not located within any identified or designated Environmentally Critical Area. Northwest 122nd Street and 9th Avenue Northwest are classified as a Non-arterial Streets, pursuant to SMC Chapter 23.53. Surrounding properties and blocks are also zoned SF 7200. Development in the area consists of a variety one and two-story single-family houses of varying age and architectural style on a variety of lot sizes, consistent with the zoning designations.

Proposal

The proposal is to subdivide one parcel of land into two (2) lots. Proposed lot areas are indicated in the summary above. Parcel A will have direct access to both 9th Avenue Northwest and Northwest 122nd Street. Parcel B will have direct access to Northwest 122nd Street. The existing single family residence will remain but the basement garage will not be accessible to due the proposed lot configurations. Therefore, one onsite unenclosed parking space on a concrete parking pad is proposed for Parcel A.

No development or construction activities are associated with the current proposal. The subject of this analysis and decision is restricted to the proposed division of land.

Public Comment

During the public comment period which ended April 7, 2004, DPD received two (2) written comment letters. The neighbors voiced concerns related to negative impacts to neighboring property values due to potential future view blockage from the construction of multi-story residences and negative traffic impacts from proposed vehicle access near the intersection of Northwest 122nd Street and 9th Avenue Northwest.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following facts and conditions are found to exist:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

Based on information provided by the applicant, referral comments from the Building Plans Examiner, the Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. *Conformance to the applicable Land Use Code provisions;*

The subject property is zoned for single-family residential with a minimum lot size of 7,200 square feet. The allowed use in a single family zone is one dwelling unit per lot, with accessory dwelling units meeting the provisions of SMC 23.44.041 notwithstanding. Maximum lot coverage is 35%. Front setbacks are an average of the neighboring adjacent lots, or twenty (20) feet, whichever is less. The minimum side yard setbacks are five (5) feet. Minimum rear yard setbacks are twenty-five (25) feet or if lot depth is less than one-hundred twenty five feet (125'), 20% of lot depth.

This short subdivision was submitted on the basis of application of the 75% - 80% rule pursuant to SMC 23.44.010.B.1.b. By subdivision, lots in a single family zone may be created which are "[a]t least seventy-five (75) percent of the minimum required lot area and [are] at least eighty (80) percent of the mean lot area of the lots on the same block face within which the lot will be

located and within the same zone”. Seventy-five (75) percent of the minimum lot size of the SF 7200 zone is 5,400 square feet. Eighty percent of the mean lot sizes of the lots on the subject block face between 10th Avenue Northwest and 9th Avenue Northwest, exclusive of the subject lot, are 6,288 square feet, according to information submitted in the application. The proposed lot areas of Lots A and B, 6,922 and 6,305 square feet respectively, are greater than eighty percent of the mean lot area of the lots on the same block face (6,288 sq. ft.) and greater than seventy-five (75) percent of the minimum required lot area (5,400 sq. ft.). Thus, the proposed lot configuration meets the exception to the minimum lot area as contained in SMC 23.44.010.B.1.b.

The lots created by this proposed division of land will conform to all development standards of the SF 7200 zoning designation. The proposed parcels provide adequate buildable area to meet applicable setbacks, lot coverage requirements, and other Land Use Code development standards.

2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*

Parcel A will have direct access to both 9th Avenue Northwest and Northwest 122nd Street. Parcel B will have direct access to Northwest 122nd Street. The Seattle Fire Department has no objection to the proposed short plat. All private utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light has reviewed the proposal and does not require an easement to provide for electrical facilities and service to the proposed lots. This short plat provides for adequate access for vehicles, utilities, and fire protection.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

This area is served with domestic water, sanitary sewer, and storm drain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The short plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate was issued on March 22, 2004 (WAC ID No. 2004-0297).

The existing structure is connected by means of a single sidesewer to an 8-inch public sanitary sewer (PSS) located in Northwest 122nd Street.

There is a ditch and culvert system on the near side of Northwest 122nd Street. This area is part of the Piper’s Creek Drainage Basin. A standard drainage control plan will be required prior to issuance of any related building permits.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed short subdivision will meet all the applicable Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. The public use and interest will be served with this proposal because additional opportunities for housing would be provided within the City limits as a result of this subdivision. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*

This site is not located in any environmentally critical area as defined in SMC 25.09.240. There are no environmentally critical areas mapped or otherwise observed on the site.

6. *Is designed to maximize the retention of existing trees;*

There are nine (9) trees located on the site. Most of these trees can be preserved, depending upon the location of any future construction, the extent of the root systems and the overall health of the trees. Four (4) trees will likely be removed from Parcel B, as the trees are located in or near the required yards out of the buildable area. Future construction will be subject to the provisions of SMC 23.44.008, 25.11.050 and 25.11.060 which sets forth tree planting and exceptional tree protection requirements on single family lots.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

This short subdivision is not a unit subdivision. Thus, this section is not applicable to this short plat proposal.

DECISION - SHORT SUBDIVISION

The proposed short plat is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORT SUBDIVISION

Prior to Recording

1. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be

identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.

2. Submit the final recording forms for approval and any necessary fees.
3. Insert the following on the face of the plat; "Tree preservation and planting options and landscaping requirements of Seattle Municipal Code 23.44.008 require trees for new single family development."
4. Specify the location, description and removal of all trees at least 6" in diameter measured 4.5' above the ground, with correct species on the face of the plat
5. A no-protest agreement for future improvements to 9th Avenue Northwest and Northwest 122nd Street shall be signed and recorded with the King County Department of Records and Elections.

After Recording and Prior to Issuance of a Building Permit

1. Attach a copy of the recorded subdivision to all future building permit application plans.
2. A no-protest agreement for future improvements to 9th Avenue Northwest and Northwest 122nd Street shall be signed and recorded with the King County Department of Records and Elections for future construction on both Parcels A and B.
3. A Street Use permit that includes proposed access over the existing ditch and culvert system to required parking located on Parcel B must be reviewed and approved by a Seattle Department of Transportation Representative prior to the issuance of the construction permit for Parcel B.
4. Provide a building grade sheet for proposed construction on Parcel B.

Signature: _____ Date: July 22, 2004

Tamara Garrett, Land Use Planner
Department of Planning and Development

TG:bg

I:\GARRETT\DOC\Short Plats\2401112 decision.doc